

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES MATTHEW WHORTON,
Plaintiff,

v.

JODI DEANGELO,
Defendant.

Case No.: 21-11046

Denise Page Hood
United States District Judge

Curtis Ivy, Jr.
United States Magistrate Judge

ORDER GRANTING PLAINTIFF'S MOTION TO EXTEND (ECF No. 21)

Plaintiff James Matthew Whorton commenced the instant action on April 22, 2021, without the assistance of counsel. (ECF No. 1). On July 23, 2021, Defendant filed a partial summary judgment motion. (ECF No. 16). Plaintiff was directed to file his response on or before September 27, 2021. (ECF No. 17). On October 8, 2021, Plaintiff filed a letter,¹ dated September 27, 2021, requesting at least a 20-day extension of time to respond to Defendant's partial summary judgment motion. (ECF No. 21, PageID.263). In his motion, Plaintiff explains he

¹ Plaintiff's request for extension of time was filed in the form of a letter instead of a motion. Plaintiff is reminded requests for extensions of time must be submitted in the form of a motion pursuant to Local Rule 7.1. The Court will treat Plaintiff's letter request as a motion in this instance only. Going forward, if Plaintiff fails to file the appropriate motion for a request of extension of time in accordance with Local Rule 7.1, the filing will be stricken.

is in the process of seeking legal counsel to assist him in this matter. (*Id.*). This matter was referred to the undersigned for all pretrial proceedings. (ECF No. 10).

A motion to extend made before the time to act has expired will be granted on a showing of good cause. Fed. R. Civ. P. 6(b)(1)(A).

Although Plaintiff's request for extension of time was received after the Court-directed deadline, it was technically filed prior to the expiration of Plaintiff's deadline to file a response. Further, the substance of Plaintiff's letter request demonstrates good cause exists. Thus, Plaintiff's request for an extension of time is **GRANTED**. Plaintiff's new deadline to file his response brief is **November 29, 2021. Failure to file a response may result in sanctions, including granting all or part of the relief requested by the moving party.**

IT IS SO ORDERED.

The parties to this action may object to and seek review of this Order, but are required to file any objections within 14 days of service as provided for in Federal Rule of Civil Procedure 72(a) and Local Rule 72.1(d). A party may not assign as error any defect in this Order to which timely objection was not made. Fed. R. Civ. P. 72(a). Any objections are required to specify the part of the Order to which the party objects and state the basis of the objection. When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling

remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge. E.D. Mich. Local Rule 72.2.

Date: October 18, 2021

s/Curtis Ivy, Jr.

Curtis Ivy, Jr.

United States Magistrate Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 18, 2021, by electronic means and/or ordinary mail.

s/Kristen MacKay

Case Manager

(810) 341-7850